IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
	Baldwin et al	)
Serial No.:	10/061,813	) Appeal No.
Confirmation No.	1857	)
Filed:	January 31, 2001	)
For:	Table Arrangement of Sorted EPG Data to Facilitate Searching on Low Resource Clients	)
Examiner:	Gillis, Brian J.	)

The Honorable Commissioner of Patents
Mail Stop Appeal Brief - Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

REPLY BRIEF

The Applicant has filed a timely Notice of Appeal from the action of the Examiner in finally rejecting all of the claims that were considered in this application. This Brief is being filed as a Reply to the Examiner's Answer Dated October 12, 2006.

ARGUMENT

Neither Rodriguez nor Byrne, alone or in Combination, Teach or Suggest a Stopped Name of a Program Title

Beginning at page 12 of the subject Application, an exemplary use of stopped names is discussed. For example, in one implementation, the data sorter 222 arranges EPG data in the program tables alphabetically according to the "stopped name" of the program. The "stopped name" of a program is the shortened version of the program title that contains the identifying words, without common joiner words such as "the", "and", etc. For example, the movie "The Good, The Bad, and The Ugly" might have a stopped name of "Good, Bad, Ugly" and the program "How the West was Won" might have a stopped name of "West Won".

The Examiner, in rejecting the claims again incorrectly asserts the following portion of Rodriguez, which is again excerpted for the sake of convenience:

> [0091] EPG data typically spans program information for the complete channel line-up, be it hundreds or possibly thousands of channels, for a pre-specified time-window (e.g., 14 or 30 days). An individual service (e.g., NBC, HBO, Video-On-Demand, Email) is typically associated with each channel. Since the duration of programs vary and is typically from 30 minutes to 150 minutes, a channel could possibly offer 48 programs per day. If program durations are as short as five minutes, this could result in over 100 programs per day. Considering the number of programs per day for each channel, the number of channels, and the number of days of program information, the EPG data can demand an amount of memory that surpasses the typical memory limits of a low-cost, high-volume subscriber device. Alternatively, depending on the processor capabilities of the DHCT 14, it may be more efficient to perform sorting operations on the EPG data at the headend 26. In such embodiments the EPG Server 220 (FIG. 3A) or BFS server 228 includes EPG data for multiple sorts such as program theme or title, all of which can be simultaneously accessed and downloaded into a DHCT

2

14. In such a configuration, the memory requirements for the EPG database are much greater. *Rodriguez , Paragraph 91.*

Although the above referenced portion mentions EPG data for a title, the asserted portion makes no mention whatsoever of a "stopped names of program titles". Byrne does not correct this defect, alone or in combination with Rodriguez

The Examiner now asserts that "Rodriquez et al teaches of sorting episode program guide by having data for multiple sorts such as program theme or title (paragraph 91). A title can be in various forms including abbreviated or elaborate versions (paragraph 73). A title is widely known in the art to have various formats including a stopped name of a program." *See Examiner's Answer, Page 11.* The asserted portion is excerpted As follows for the sake of convenience.

> [0073] Execution of electronic program guide (EPG) client application 397 effects access to a database 399 of records containing information pertaining to programs (i.e. media content). This EPG database 399 is supported by the client-server EPG counterparts, EPG server application 220, and EPG client 397. The EPG client 397 accesses information in the EPG database 399 in memory 351 for presentation to a subscriber. EPG data typically consists of information describing program attributes such as program starting times and duration, program title, program description, running time, channel identification, actors in program, parental rating, program categories and genre, and audio features (stereo, SAP, mono, Close-Caption, Teletext). The EPG database 399 contains sufficient information for the presentation of available program titles (i.e. media content titles) at the current time and during subsequent periods. The EPG server application 220 (FIG. 3) in communication with EPG client 397 effects updates to the EPG database 399 stored in memory 351 or stored in a storage device 373. The EPG data may be organized into sets or subsets in any of multiple ways keyed by one or more of the program attributes. When organized by program start time, it facilitates updating the EPG database 399 in the DHCT 14 as the data for past programs becomes obsolete. Multiple versions of each program's title, short description, or other descriptive

3

program attributes are retained in the DHCT memory 112 or local storage device 373. EPG client 397 reads records of the EPG database 399 and processes them into a displayable representation as part of a graphical user interface (GUI) displayed on a television 341 or similar display device for presentation to a subscriber. Depending on the space available to display the desired program information on the screen, the appropriate version or instance of the program information that fits within the designated space is employed. Abbreviated or elaborate versions of program information are desirous for the different EPG presentations (or views). They are also beneficial for use in the presentation of the EPG data in a channel-time grid because the space available to display information will change with the progression of time and with subscriber invoked navigation in the time axis. *See Rodriguez, Paragraph [0073].*

It is respectfully submitted that absent the present Application, Rodriguez nor Byrne, alone or in combination, do not teach or suggest the above recited features, including "stopped names of program titles". Although abbreviated versions of EPG data are described, no further teaching or suggestion is made and thus it is respectfully submitted that absent the present disclosure a "stopped name of program titles" is not taught or suggested. At most, Rodriguez merely supplies an invitation to try, and does not teach or suggest a result of such a try, e.g., a "stopped name" versus merely an "abbreviated version". Accordingly, a *prima facie* case of obviousness has not been established, and the Applicant respectfully request that the rejection with respect to the claims be overturned.

CONCLUSION

The Applicant respectfully considers this application to be in condition for allowance and respectfully requests the Board to overturn the final rejection and that the Examiner pass this application to allowance.

Dated this 11th day of December, 2006.

Respectfully submitted,

WILLIAM J. BREEN, III
Attorney for Applicant
Registration No. 45,313

LEE & HAYES PLLC
421 W. Riverside Avenue, Suite 500
Spokane, WA 99201
Telephone: (509) 324-9256 (Ext. 249)
Facsimile: (509) 323-8979